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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,741	10/03/2003	Gregory Gerard O'Neil	P08071US00/RFH	4917

881 7590 01/17/2006

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EXAMINER	
HOPKINS, ROBERT A	
ART UNIT	**PAPER NUMBER**
1724	

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.** 10/677,741	**Applicant(s)** O'NEIL, GREGORY GERARD
	Examiner Robert A. Hopkins	**Art Unit** 1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *25-38* is/are allowed.

6)☒ Claim(s) *1 and 39* is/are rejected.

7)☒ Claim(s) *2-24* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Estey(3939713) taken together with Seiler et al(4079009).

Estey teaches a sealing mechanism for a gas chromatograph machine comprising a weldment attachment(34) mountable at the weldment assembly of a gas chromatograph machine and having a passage(29) therethrough for gas communicated to the weldment assembly. Estey is silent as to actuating means for actuating a direct force on the weldment attachment to linearly move it towards an injection port of the gas chromatograph machine and sealingly clamp the weldment attachment onto the injection port, wherein the actuating means does not apply torsional forces on the weldment attachment. Seiler et al teaches a chromatography machine including a weldment attachment(13) and having a fluid passage(20) therethrough, and actuating means(34) for actuating a direct force on the weldment attachment to linearly move it towards an injection port(3) of the gas chromatograph machine and sealingly clamp the weldment attachment onto the injection port, wherein the actuating means does not apply torsional forces on the weldment attachment. It would have been obvious to someone of ordinary skill in the art at the time of the invention to substitute actuating means for actuating a direct force on the weldment attachment to linearly move it towards an injection port of the gas chromatograph machine and sealingly clamp the weldment attachment onto the injection port, wherein the actuating means does not apply torsional forces on the weldment attachment, for the torsional actuating mechanism(threads 24) so that the weldment attachment of Estey is quickly and easily attached to the seal(41) of the injection port of Estey(column 3 lines 53-58 of Seiler et al).

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Estey(3939713) taken together with Seiler et al(4079009).

Estey teaches a method of sealing a weldment assembly and an injection port of a gas chromatograph machine including mounting a weldment attachment(34) at the weldment assembly, the weldment attachment providing a passage(29) therethrough for gas communicated to the weldment assembly. Estey is silent as to actuating an actuating means connected to the weldment attachment, and thereby applying a direct force on the weldment attachment moving it towards the injection port and sealingly clamping the weldment attachment against the injection port, wherein torsional forces are not applied on the weldment attachment by the actuating means. Seiler et al teaches a chromatography machine including a weldment attachment(13) and having a fluid passage(20) therethrough and a step of actuating an actuating means(34) connected to the weldment attachment(through plate 22), and thereby applying a direct force on the weldment attachment moving it towards the injection port(3) and sealingly clamping the weldment attachment against the injection port, wherein torsional forces are not applied on the weldment attachment by the actuating means. It would have been obvious to someone of ordinary skill in the art at the time of the invention to substitute a step of actuating an actuating means connected to the weldment attachment, and thereby applying a direct force on the weldment attachment moving it towards the injection port and sealingly clamping the weldment attachment against the injection port, wherein torsional forces are not applied on the weldment attachment by the actuating means for the torsional actuating mechanism(threads 24) so that the weldment attachment of Estey is quickly and easily attached to the seal(41) of the injection port of Estey(column 3 lines 53-58 of Seiler et al).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Japanese reference(2003-344374) discloses a gas chromatograph machine having an injection port and a weldment attachment moved by a torsional actuating mechanism.

Allowable Subject Matter

Claims 2-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 2 recites "wherein the actuating means is a hinged lever". Seiler teaches an actuating means which is a pressing device to linearly move a weldment attachment towards an injection port of a chromatograph machine. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide an actuating means which is a hinged lever because neither Seiler nor Estey suggest such a modification. Claims 3-18 depend on claim 2 and hence would also be allowable upon incorporation of claim 2 into claim 1.

Claim 19 recites "wherein the actuating means is a hydraulic or pneumatic actuator". Seiler teaches an actuating means which is a pressing device to linearly move a weldment attachment towards an injection port of a chromatograph machine. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide an actuating means which is a hydraulic or pneumatic actuator because neither Seiler nor Estey suggest such a modification. Claims 20-22 depend on claim 19 and hence would also be allowable upon incorporation of claim 19 into claim 1.

Claim 23 recites "wherein the actuating means is magnetic attraction". Seiler teaches an actuating means which is a pressing device to linearly move a weldment attachment towards an injection port of a chromatograph machine. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide an actuating means which is magnetic attraction because neither Seiler nor Estey suggest such a modification. Claim 24 depends on claim 23 and hence would also be allowable upon incorporation of claim 23 into claim 1.

Claims 25-38 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 25 recites "a lever pivotally connected to the annular base and pivotally attached to an injection portion of the gas chromatograph machine, wherein the base is adapted to be seated on top of the injection port and sealed against thereto by pivotally moving the lever to apply a direct force and clamp the base onto the injection port. Estey teaches a gas chromatograph machine having an injection portion and a base(34), wherein the base is adapted to be sealed on top of the injection port by a torsional actuating mechanism(threads 24). Seiler teaches an actuating means which is a pressing device to linearly move a weldment attachment towards an injection port of a chromatograph machine. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a lever pivotally connected to the annular base and pivotally attached to an injection portion of the gas chromatograph machine, wherein the base is adapted to be seated on top of the injection port and sealed against thereto by pivotally moving the lever to apply a direct force and clamp the base onto the injection port because neither Estey nor Seiler suggest such a modification.

Claim 26 recites "a latch having two arms pivotally connected on opposing side on the exterior circumference of the annular base, the arms being provided with hinging means to hingedly attach the latch to a corresponding attachment on an injection port of the machine, wherein the latch is pivotally levered against the injection port to directly clamp the base onto the injection port in sealing engagement and without imparting torsional force on the base". Estey teaches a gas chromatograph machine having an injection portion and a base(34), wherein the base is adapted to be sealed on top of the injection port by a torsional actuating mechanism(threads 24). Seiler teaches an actuating means which is a pressing device to linearly move a weldment attachment towards an injection port of a chromatograph machine. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a latch having two arms pivotally connected on opposing side on the exterior circumference of the annular base, the arms being provided with hinging means to hingedly attach the latch to a corresponding attachment on an injection port of the machine, wherein the latch is pivotally levered against the injection port to directly clamp the base onto the injection port in sealing engagement and without imparting torsional force on the base because neither Estey nor Seiler suggest such a modification. Claims 27-36 depend on claim 26 and hence are also allowed.

Claim 37 recites "mounting a weldment assembly onto the injection port, wherein the weldment assembly includes a latch having two arms and is pivotally connected to opposite sides of the exterior circumference of an annular base, the arms having coupling means for coupling with complimentary means located at the injection port in order to mount the latch onto the injection port; and pivotally levering the latch at the coupling to clamp the base down onto the injection port". Estey teaches a gas chromatograph machine having an injection portion and a base(34), wherein the base is adapted to be sealed on top of the injection port by a torsional actuating mechanism(threads 24). Seiler teaches an actuating means which is a pressing device to linearly move a weldment attachment towards an injection port of a chromatograph machine. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a step of mounting a weldment assembly onto the injection port, wherein the weldment assembly includes a latch having two arms and is pivotally connected to opposite sides of the exterior circumference of an annular base, the arms having coupling means for coupling with complimentary means located at the injection port in order to mount the latch onto the injection port; and pivotally levering the latch at the coupling to clamp the base down onto the injection port because neither Estey nor Seiler suggest such a modification. Claim 38 depends on claim 37 and hence is also allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday, 7am-4pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rah
January 10, 2006

ROBERT A. HOPKINS
PRIMARY EXAMINER
A.U. 1724